

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

CAROLYN FOWLER,  
Plaintiff,

No. C 06-04716 SBA

## ORDER

[Docket No. 68]

POST MASTER GENERAL JOHN  
POTTER U.S. Postal Service, *et al.*,  
Defendants.

## Defendants.

11 Before the Court is defendants' Ex Parte Motion to Allow Trial Deposition for Unavailable  
12 Witness or in Alternative to Allow for Testimony Via Video Conference (the "Motion") [Docket  
13 No. 68]. The Court DENIES the Motion for the following reasons. First, defendants provide no  
14 reason for requesting relief ex parte. Civil Local Rule 7-10 requires any ex parte request be  
15 supported by legal authority providing for such a request ex parte, which defendants have not  
16 provided. Second, this Court's Standing Order for Civil Trials requires a movant meet and confer  
17 prior to seeking relief from this Court. Defendants have not indicated in their moving papers that  
18 they met and conferred with plaintiff. As defendants seek to take a deposition on July 2, 2008, there  
19 is still ample time for them to obtain a stipulated request from all parties, or at least explain to the  
20 Court why such a request was unobtainable. Accordingly, the Court DENIES the Motion without  
21 prejudice.

IT IS SO ORDERED.

June 16, 2008

Saundra B Armstrong  
Saundra Brown Armstrong  
United States District Judge